TOC 2016 Theory File

Aff 2

A2 Plan Flaw 3

A2 Supreme Court Spec 4

L-Spec 5

C/I 6

LBL 7

O/v 8

Group Reciprocity and Strat Skew 9

CP 10

If CP doesn’t use same actor, no pre-fiat reasons to reject perms 11

Must spec background checks 12

CP Must Use Same Actor 13

NC – Testimony 14

NC - Levinas 15

NC - Constitutionality 16

Must allow aff to challenge reasoning of supreme court decisions 17

If Constitutionality, No Permissibility 18

Must have advocacy text 19

K 20

Neg 22

Domestic Violence Spec 23

2nr – conditions of removal key 27

Campus Carry 28

Australia 29

Rule Following Paradox/Social Practice 32

# Aff

## A2 Plan Flaw

#### Flaws mean nothing and will be corrected

Leibenluft 9 (Jacob, Writer – Slate Magazine, ―Does Congress E - Mail the President?‖, Slate Magazine, 12 -17,http://www.slate.com/id/2239060/)

What happens if the bill contains an error? If it is a simple typo that doesn't change the meaning of the bill — like a missing shall in this legislation authorizing an expansion of Vicksburg National Military Park — the president might issue a signing statement saying the executive branch will just act as though the mistake was never made . Corrections discovered before the bill reaches the president's desk are supposed to be made through a concurrent resolution of both houses of Congress(PDF). In two recent cases, however, changes made by enrolling clerks without new votes have raised controversy — one involving revisions to the 2005 Deficit Reduction Act and another related to a last-minute change in a highway bill allegedly requested by Alaska Rep. Don Young. Ever since an1892 Supreme Court case concerning a tariff act that went to the president with a paragraph on tobacco taxes missing, the courts have generally ruled that the version of a bill signed by the officers of both houses of Congress and the president stands, even if the language differs from what Congress voted on . So, if the mistake changes the substance of the legislation, then the erroneous language is usually law unless Congress decides to do something about it. In that case, Congress can pass "technical corrections" in separate legislation to remedy the mistake . According to the Library of Congress 'Thomas database, more than 20 technical-corrections bills have been introduced since the current Congress began last January.

## A2 Supreme Court Spec

## L-Spec

### C/I

A. Counter-interp: If the aff doesn’t garner specific offense from how the Supreme Court upholds the constitutionality of the aff plan, they do not need to specify in the aff how the Supreme Court upholds the aff.

B.

C .

1) Clash: a) this isn’t relevant to the aff so all it does is give them hyper-specific rando DA and PIC ground that moots aff research and the AC, forcing a 1ar restart which skews my time and b) core topic lit is about gun violence, not SCOTUS, so we have less research to engage, which kills education. Education outweighs: a) it’s why we debate and schools fund it, so it’s a gateway issue, b) it’s the only long-lasting benefit we get from debate.

2) Aff aff only gets to pass a ban, not fiat reactions to a ban, so you make me defend extra-topical planks since supreme court reaction’s not part of passing a law which is bad: a) you’ll run extra-T, so I’ll lose on theory, b) We can’t research and prepare since topic lit becomes irrelevant, killing education. C) textuality – I can only fiat the resolution, text’s a constraint on all standards since it divides what counts as aff and neg ground, which controls the internal link to stable strategy and outweighs, since you can’t have any strat without ground division.

### LBL

### O/v

1.T -  unclear what it means by ‘mechanism’ – i.e. do I need to read the affirmative opinion in the aff? Which means your interp’s not enforceable and we can’t arbitrate what offense fits under the interp, which is terminal defense to the shell

2. It’s constitutional, handguns violate right to free speech so I don’t need to specify since the court does nothing, which means I-meet

### Group Reciprocity and Strat Skew

1) Counter-interp solves all of your abuse: neither of us have access to this ground

2) No abuse: SCOTUS upholding policy is normal means so there’s no need to spec.

3) T - I don’t fiat supreme court action, which means you can read evidence about how courts would respond to a handgun ban. This means either a) you have necessary evidence to explain how SCOTUS would react which means you don’t need me to spec or b) you don’t have the evidence, so it’s an impossible standard to hold me to, and there’s no ground loss

4) Ask in cx – solves abuse, this is net better for spec interps since there’s an infinite number of things to spec that trade off with each other, so I’ll always violate an interp and lose

## CP

### If CP doesn’t use same actor, no pre-fiat reasons to reject perms

A: If the negative debater does not use the same actor as the aff, they may not read pre fiat reasons to reject perms

B: I use [\_\_\_], you use [\_\_\_\_\_]

C:

Ground – there’s an infinite number of actions any actor can take, and multiple actors make decisions independently, so you have better ground since you only have to defend a one action from an infinite number of options is positive, kills fairness since you have an easier path to the ballot, there’s no harm to you – just read disads to the aff or prove we can’t do both, saying I can’t perm means things become artificially competitive which kills real world education since we *could* do both, so we don't think of the best solution to problems, and clash since you don’t need to engage the aff, which kills education since questioning assumptions lets us realize the flaws in our ideologies, and learn about the topic, which is a key real world issue. Next, strat skew and time skew – you can collapse to answering perms or reasons perms are bad so I can’t win with a 3 minute 2ar – strat’s key since I need a path to the ballot to win.

### Must spec background checks

A: If the negative debater reads a counterplan that defends a background check system, they must specify in the form of a text in the NC what is required to pass the background check

B:

C:

Stable advocacy – background checks vary – e.g. in Japan, individuals must prove a proactive reason they need a gun, in Canada you need character references, lots of people propose restrictions for individuals with mental illness, and there ARE background checks in the squo so you could defend a ton of contradictory policies, – impacts, a) strat skew – you an delink disads by saying it doesn’t link to your form of background checks – solvency relates to how strict checks are kills fairness, I need a path to the ballot to win, also education since it lets us think about argument interaction. This also kills clash – shifting out of args means you don’t have to answer them, which kills fairness since best arguments are picked through comparison, and education since questioning assumptions makes us realize their flaws. b) resolvability – without a clear advocacy , judges can’t arbitrate what is and isn’t an advocacy shift or what turns do & don’t link since they’ll claim it was implicit in the initial advocacy – a text’s key since

### CP Must Use Same Actor

A: On the 2016 Jan-Feb Lincoln Douglas Resolution, all post fiat advocacies read by the negative debater must use the same actor as the affirmative

B:

C:

Phil education – by focusing on who should ideally act, we can’t clash about what obligations exist for one actor, killing phil education since someone’s normative obligations rely on deciding tradeoffs without knowledge of how others act. Phil education’s key to fairness since obligations derive from ethical theories, and education since it teaches us how to act. This also also kills real world education and resolvability – it’s incoherent to decide between two agents acting since there’s no entity to decide between them, it’s just thinking in a vacuum

Damerdji 16 Salim (debate coach) “An Argument Against the States CP” NSD Update January 12th 2016 <http://nsdupdate.com/2016/01/12/an-argument-against-the-states-cp-by-salim-damerdji/> JW

There is no entity with the power to decide between state & federal action…. Why do we need to get further into educational or fairness concerns? The choice posed by the counterplan is silly because no entity has the power to choose between the plan and the counterplan. That is the real damage done by the states counterplan: Voting negative rejects the plan for a reason nobody should consider. I find this argument compelling, but if you don’t, consider the following analogy. Suppose you are a security guard working the night-shift at an art museum. You realize a disgruntled co-worker is wandering around, and to your dismay, punching painting after painting. You could run up to your co-worker and tackle them, but that would certainly damage the next painting. In an ideal world, your co-worker would stop their rampage on their own. But based on their aggressive demeanor, you figure this is unlikely. So the choice is yours: tackle your co-worker (and definitely cause more harm) or do nothing at all with the hope that your co-worker will abort their rampage on their own volition. It seems pretty compelling that you should take matters into your own hands. While it’d be ideal for your co-worker to stop their rampage on their own, you have little to no confidence that they will, and so you still have a moral obligation to stop the rampage. Now consider the States CP. The USFG sees serious harm in the status quo. It would be ideal for the 50 states to ban handguns instead of the federal government, but keep in mind, many of these 50 states openly oppose any gun control whatsoever, let alone a handgun ban. Moreover, it’s sheer fantasy to suppose all 50 states would act in unison. In sum, the ideal outcome, whereby the 50 states implement a handgun ban, is virtually zero. Just as the security guard would be foolish to play the odds of not acting, the same would be true for the federal government. In both cases, there’s little to no chance that the ideal actor would actually act. And so the obligation falls back to you, the non-ideal actor. As the language here suggests, this logic applies to all alternate actor CP’s, not just the 50 States CP.[2]

Real world education’s key – it’s why our arguments matter out of round, resolvability matters since otherwise we don’t know how to engage, and judges pick randomly, not for the better debater. This also kills clash since we don’t consider actual tradeoffs faced by a real actor, clash is key to education since it lets us question ideas, and fairness since best arguments are picked through comparison.

## NC – Testimony

A: On the Jan-Feb 2016 Lincoln Douglas Resolution, if the negative debater reads a framework that claims that we ought to act consistently with the testimony of moral authorities, they must defend a post fiat policy, clarified in the form of a text in the NC.

C

Ground – most people criticize radical policies like handgun bans or no gun control, so I’ll always lose since you can find anyone who criticizes the aff without a comparative burden of proof since I can’t read disads to your advocacy, kills fairness since you have greater ability to argue and win, and education since we can’t explore nuanced aspects of the NC, so it becomes a functional NIB. Answering framework doesn’t solve since ethical theories are clarified through application, which determines what indicts I can read, so you kill phil education and real world education since we don't discuss how to take into account criticisms when determining how to act. Reciprocity’s key to fairness since it grants us equal paths to the ballot.

Resolvability – without an advocacy it’s only speculative if not affirming is comparatively better, so you can’t arbitrate turns, kills fairness since picking randomly means we can’t engage, and you don’t vote for the better debater.

Spec in your speech.

#### 1. time skew – I can’t prep answers for 7 minutes, and you’ll waste CX time, so it’s harder to engage and develop arguments.

#### 2. your advocacy shapes position interaction for the whole round, so being able to hold you to something is key to resolvability.

## NC - Levinas

A: If the negative debater reads a Levinas framework, then they must defend a post fiat policy, clarified in the form of a text in the NC.

B

C

Reciprocity – totalization of the other’s hard to avoid since it occurs in most interactions, so your lack of advocacy means you always win and the NC becomes a NIB; answering framework doesn’t solve since ethical theories are clarified through application, which determines what indicts I can read, so you also kill phil education and real world education since we don't discuss how to apply Levinas, which matters since that’s how we learn to act. Reciprocity’s key to fairness since it grants us equal paths to the ballot.

Ground – without an advocacy you can pick a framework where there’s a disad to action which is generated under Levinas, without any burden of proof, so it’s easier to negate since you have more phil ground, kills fairness since ground shapes ability to argue and win.

Resolvability – without an advocacy it’s only speculative if not affirming is comparatively better, so you can’t arbitrate turns, kills fairness since picking randomly means we can’t engage, and you don’t vote for the better debater.

#### Spec in your speech.

#### 1. time skew – I can’t prep answers for 7 minutes, and you’ll waste CX time, so it’s harder to engage and develop arguments.

#### 2. your advocacy shapes position interaction for the whole round, so being able to hold you to something is key to resolvability.

## NC - Constitutionality

### Must allow aff to challenge reasoning of supreme court decisions

CX: Can I win that handgun bans are constitutional by challenging the justification given for McDonald v. Chicago or District of Columbia v. Heller?

the affirmative debater to challenge reasoning of Supreme Court decisions.

CX: Can I win a handgun ban is constitutional by challenging the justification given for McDonald v. Chicago or District of Columbia v. Heller?

Interpretation: if debaters read a standard of [\_\_\_\_\_consistency with the constitution\_\_\_\_\_\_], they may not make weighing arguments that contention level offense outweighs because supreme court justices or constitutional interpreters know more than us.

Violation:

Standards:

1. reciprocity-if the NC is just a question of what people say and not allowing me to contest the reasoning behind the decision then it’s literally a NIB because handgun bans have been struck down in the past. District of Columbia v. Heller decided that handgun bans are unconstitutional,[[1]](#footnote-1) the only way to make it reciprocal is if I get to make args for why the aff would be consistent with the constitution in theory. Reciprocity is key to fairness-ensures equal access to the ballot.

2. real world education-instead of just blindly listening to authorities, we can actually make our own arguments and readings of the founding documents which encourages critical investigation on what kind of laws the U.S. should pass. Key to education-ensures we fully learn and understand the constitution.

Ground – this interpretation means aff has ZERO aff ground since District of Columbia v. Heller decided that handgun bans are unconstitutional,[[2]](#footnote-2) so I lose access to key disputes among legal scholars about the meaning of the 2nd amendment that help us understand better the historical basis of the decision, which also means there’s no loss to you since you can just cite the affirmative opinion defend its validity, which is net-better since we have more in depth understanding of the legal system, and meaning of terms which lets us understand other aspects of law, which we can apply later. Ground’s key to fairness, it shapes ability to argue and win, and education since we learn about diverse aspects of the topic.

### If Constitutionality, No Permissibility

A: If the negative debater reads a constitutionality NC, then they may not claim permissibility ground

B:  
C:

Reciprocity – if I win the contention debate on the NC I’ll still lose since saying an action is constitutional does not mean it is obligated, it just disproves prohibition, so I must win framework and the aff contention, and avoid permissibility triggers, but any are sufficient for you – kills fairness since greater paths to the ballot mean its easier for you to win. And, permissibility is qualitatively better ground, since turns each contention argument into an a priori, and puts a smaller burden on you since you don’t need to defend proactive requirements. Answering permissibility’s not sufficient: 1) it logically flows neg so the ground is terrible, 2) you have a 13-4 time advantage, since I can’t make new args in the 2ar, but you can in the NC and 2n, and 3) it’s a NIB – you can collapse to answering my defense on the contention or permissibility so it’s irreciprocal

Clash - instead of comparing the aff world to the neg, it’s strategic to recycle a framework and cut the recent supreme court decision that negates without ever engaging the aff since you preclude the aff on a higher layer since you don’t need to talk about topic. Clash is key to education since questioning makes us realize assumptions and fairness since best arguments are chosen through comparison.

Real world education – constitutionality doesn’t determine what laws we use, it’s only a side-constraint, it also doesn’t explain why other obligations don’t exist, just that one is important, so you distort the framework and prevent us from learning how to apply it, which kills fairness since it’s why in round arguments matter.

### Must have advocacy text

A: If the negative debater reads a standard of *[consistency with the constitution]* on the Jan-Feb 2016 Lincoln Douglas resolution, then they must read an advocacy text in the NC.

B:

C:

Reciprocity – determining a brightline for limitations on gun ownership is key, since it establishes what counts as a constitutional violation – lots of policies in the squo restrict access to guns, but I don’t have access to those turns if I can’t hold you to an advocacy text, nor can I weigh competing constitutional provisions that inhibit access to guns, since you’ll shift out of my arguments later, which means you get illegitimate ground against the aff that I don’t get against the NC. Spec’s uniquely key here since you can say contention offense about gun control being bad implies an advocacy later to delink turns – the ENTIRE debate about the Second Amendment is the extent to which gun rights are protected, which we can’t be comparative about without your advocacy. Answering framework doesn’t solve - it expands your ground if you have access to frameworks that might not negate since you get qualitatively better phil ground if you can pick from anything, and I can’t leverage the aff contention against the neg position if I don’t know your advocacy. Kills fairness, ground determines ability to argue and win, and become educated on key issues. Reciprocity’s key to fairness since otherwise there’s an undue balance of burdens. CX doesn’t solve, a) exacerbates time skew, you have at least a 13 minute advantage on understanding what you’re reading, b) many judges don't flow which makes the round irresolveable, c) you don’t have jurisdiction to vote on this argument since you don’t know if they would have spec-ed.

Spec in your speech:

#### 1. time skew – I can’t prep answers for 7 minutes, and you’ll waste CX time, so it’s harder to engage and develop arguments.

2. **your** advocacy shapes **position interaction** for the whole round, so being able to hold you to something is key to **resolvability.**

## K

A: If the negative debater reads offense about why present day gun control policies are problematic, and offense about why gun control has been a historical tool of oppression, they must defend a post-fiat advocacy that uses the same actor as the aff

B:

C:

Reciprocity –you’ll always win by finding one moment the aff was used oppressively since most things have been used for evil, but I can’t win by leveraging positive present or past aspects of the aff, kills fairness, and education since one-sided debates don’t help us think critically, and historical education since we don’t focus on analyzing complexity of issues

Real world education – a) history’s only relevant if it informs analysis of present problems; saying ‘racism was bad,’ is obvious – which is your position - so we don’t think critically, b) past and present aren’t identitical – saying something now was bad in the past ignores context and current differences, so we don't criticize history, just oppression, c) I can criticize history of your position, so we can compare different stages of time, d) we can make connections between multiple points in history to have a better understanding of issues, e) Ks that put criticism of history first are self-defeating since if only history matters, your impact matters arbitrarily based on our temporal position since the first time it happened you’d say we don't care about the action since it wasn’t yet history, e) sole focus on history leads to paralysis since everything’s been used for evil, f) history matters, but it’s not the only relevant thing – it’s better to have a policy combined with current analysis of other harms, historical precedent can be evidence for your arguments – double bind, either 1) history’s irrelevant and you couldn't make weighing arguments about why your evidence is most relevant, or 2) you could, so there’s no educational loss for you, and reasons discussing history’s good aren’t offense for you.

Resolvability – criticizing something since it’s been used for evil means you bite the K too – e.g. words have been used for racism, computers have been used for blackmail, which means if I lose the shell you bite the K and lose since it’s a performative contradiction, so we can’t resolve what we should do if we always both bite, which is an independent voter and gateway issue since you’ll vote randomly, and can’t ascribe to their role of the ballot

# Neg

## Domestic Violence Spec

A: If the affirmative debater defends a ban of handguns for individuals who have perpetrated intimate partner violence, they must specify in the form of a text in the AC: a) the actor who passes the legislation, and b) an enforcement mechanism for the handgun ban. To clarify, specifying an actor requires that the affirmative clarifies if the ban is carried out on a federal or state level, and specifying an enforcement mechanism requires that they, 1) clarify the conditions under which individuals can be prevented from owning guns b) clarify scope of the advocacy – i.e. whether or not their position includes mandatory removal of guns from abusers, and c) clarify the agent responsible for preventing abusers from accessing guns.

B:

C:

Enforcement mechanism is key– generalized debate about banning guns for people who have perpetrated IPV is impossible a) race Ks and DAs about lack of effectiveness of police to protect IPV survivors depends on police involvement and biases of the person responsible for getting guns b) solvency relies on whether guns ***are*** taken away, so without clarifying how, when and by who’s key - terminal defense to case, which makes the round irresolveable since the aff’s hypothetical; this prevents ability to clash with your position, and kills real world education since we can’t apply in round knowledge later since we don’t know what banning guns would mean. Resolvability’s a voter since judges can’t vote for the better debater if they vote randomly, engagement matters since without it we can’t question your position. c) perpetrators of IPV already are banned from getting guns – the key issue is enforcement; discussing it’s the only way to clash about the policy and think of real world solutions

Kimbrell 15. 10-6-2015, Vicky O. Kimbrell is director of the Family Violence Project at Georgia Legal Services Program. <http://www.dailyreportonline.com/id=1202739064976/Enforce-Laws-Against-Domestic-Abusers-Having-Guns-COMMENTARY#ixzz3x5TbaqvQ> ("Enforce Laws Against Domestic Abusers Having Guns [COMMENTARY]," Daily Report, <http://www.dailyreportonline.com/id=1202739064976/Enforce-Laws-Against-Domestic-Abusers-Having-Guns-COMMENTARY?slreturn=20160012141212>. NP 1/12/16.

Guns are being left in the hands of abusers despite a federal law making it illegal in certain cases. In the past few months, at least four women have died, reportedly shot and killed with weapons that should have been removed from abusers under federal law. Amanda Cloaninger-Colley was killed just hours after her estranged husband was ordered to turn in his firearms and stay away from her at a hearing in August; her friend was also killed. Police in Florida have charged Cloaninger-Colley's husband with their deaths. In July, authorities charged boxer Yathomas Riley with fatally shooting his wife in Leesburg, outside of Albany. Riley reportedly used a gun he held illegally, due to his arrest for family violence assault and battery the month before the killing. In the same month, 39-year-old Jamie Sandefur of Cairo was shot and killed by her husband, who had been arrested weeks before on domestic violence charges; he killed himself after killing his wife, authorities said. A 1996 federal law makes it illegal for people convicted of domestic violence crimes and for those with a protective order entered against them to possess a firearm. The reasons for enacting this law, as Congress noted, were clear: "anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk, and should be prohibited from possessing firearms." But nearly 20 years later, Georgia does not have a statewide procedure in place to enforce this law. While the law bans abusers from possessing firearms, many are still walking out of court with no clear order or follow-up from law enforcement officials. This can be deadly for domestic violence victims because the severity of the risk increases substantially when guns are involved, according to the Georgia Fatality Review. A domestic assault involving firearms is 12 times more likely to result in death than one without, a Johns Hopkins study says. And while domestic violence happens everywhere, rural women may be more at risk, given the scarcity of services outside metro Atlanta. After a Family Violence Act protective order is entered, abusers are prohibited from possessing firearms. But the standard Family Violence Act protective order in Georgia does not specify how firearms are to be removed, and this hinders enforcement. In some Georgia counties, judges are reluctant to order that the guns be removed by law enforcement. And even when the judge specifies in the order that the abuser is not to possess a firearm, enforcement—confiscating and storing weapons for the duration of the order—doesn't always happen. While some areas in Georgia have excellent policies on the removal of guns once the TPO is entered, as pointed out in the Georgia Fatality Review, some of Georgia's law enforcement departments claim that they lack the space and capacity to seize and store weapons for the mandated period of time. With nowhere to store the firearms, police in many counties don't confiscate weapons from the abuser or follow up to ensure weapons are removed. It is unrealistic to believe that abusers will voluntarily relinquish their firearms to authorities without intervention. Often the point at which a protective order is filed against an abuser is the most dangerous time for the victim, when the abuser perceives a loss of power, subject to a legal restraint. To allow the possession of a firearm during this time exacerbates an existing threat to the victim's well-being and can, as we have seen, have fatal results. Judges, lawyers and law enforcement officials need to understand the life-saving potential and importance of enforcing this law consistently throughout our state. Convicted abusers and those who have been found to have committed acts of family violence have lost the right to bear arms by inflicting violence on another. Victims of domestic violence who are seeking safety by obtaining a protective order against their abusers should not have to continue to fear for their lives because the abusers have illegal firearms. It's our job in the legal profession to help protect people. In this case, that means enforcing the laws that already exist to protect domestic violence survivors, their children and their communities—before another tragedy strikes. Read more: <http://www.dailyreportonline.com/id=1202739064976/Enforce-Laws-Against-Domestic-Abusers-Having-Guns-COMMENTARY#ixzz3x5TbaqvQ>

Clash’s key to education since questioning our assumptions makes us realize the flaws in our ideas, and fairness since best arguments are picked through comparison.

And – 1) state vs federal spec is key – federal and state-wide power varies in terms of control over procedures, so solvency is contingent on you clarifying one, especially since issues with current law rely on whose law has problems, 2) clarifying whether or not guns are removed, how, and by who is key since that’s a huge deficit in current law, key ground since it determines if you do or don’t establish a shift from the squo, since the squo IS A BAN FOR ABUSERS and the strength of the policy, which constrains what evidence you have access to. Ground’s key to education – it lets us learn about the topic in detail, also fairness since limited ground means you’ll always win by preventing me from clashing with the controversial parts of your advocacy. Next, stable advocacy – you can be really shifty without state-vs. federal spec or an enforcement mechanism– there’s a litany of state laws that contradict each other when dealing with the aff relating to scope of authority for removal, when guns can be taken away, and who removes them which impacts implementation and solvency

Frattaroli, Shannon. Removing Guns from Domestic Violence Offenders: An Analysis of State Level Policies to Prevent Future Abuse. Baltimore, MD: The Johns Hopkins Center for Gun Policy and Research, 2009. This document is a rewritten, updated version of a published article, the full citation for which is: Frattaroli S & Vernick JS. Separating Batterers and Guns: A Review and Analysis of Laws in the 50 States. Evaluation Review, 2006;30(3):296-312. NP 1/13/16.

Our research revealed eighteen states with laws authorizing police to remove firearms when responding to a domestic violence incident. Twenty state codes and the District of Columbia included provisions allowing courts to order firearms removed when issuing a civil protective order. Eleven states had both laws; for 23 states we found no evidence of either type of law. For those states with one or both of these laws, we noted substantial variation in the language of their laws. That variation is likely one factor that affects whether and how these laws are implemented and enforced. We’ve identified those characteristics that may be most important to successful implementation and enforcement of police and court-ordered gun removal laws, and detail those traits in the remainder of this section. Police Gun Removal Laws (18 States) Authority to Remove Firearms—“Shall” vs. “May” States In nine of the eighteen police gun removal states, law enforcement officers must remove firearms when responding to a[n] domestic violence incident (“shall remove” states), whereas in six other states, gun removal is at the discretion of law enforcement (“may remove” states). Three other states use both “shall” and “may” language. Law enforcement authority to remove firearms in these states is mandatory or discretionary depending on the circumstances surrounding the abuse incident. For example, in West Virginia law enforcement “shall” remove firearms involved in a domestic violence assault, and “may” remove other weapons in plain view or discovered pursuant to a consensual search as necessary for protection. Shall Remove States: California, Illinois, Montana, New Hampshire, New Jersey, Ohio, Oklahoma, Pennsylvania, Utah May Remove States: Alaska, Arizona, Connecticut, Hawaii, Indiana, Maryland May and Shall Remove States: Nebraska, Tennessee, West Virginia removing guns from domestic violence offenders 7 Conditions of Firearm Removal: Gun Used as an Instrument of Abuse There is considerable variation among the states regarding whether a gun must have been used in the domestic violence incident to authorize removal of firearms. In six states the law authorizes firearm removal only when a firearm was used in the domestic violence incident; seven states do not impose this requirement. Five additional state laws vary the requirement depending on other circumstances surrounding the incident. Gun Use Required: Illinois, Montana, Ohio, Oklahoma, Pennsylvania, Utah Gun Use Not Required: Alaska, Arizona, California, Connecticut, Maryland, New Hampshire, New Jersey Varies by Circumstance: Hawaii, Indiana, Nebraska, Tennessee, West Virginia Conditions of Firearm Removal: Arrest Five states authorize law enforcement to remove guns only if the alleged abuser is arrested. Most states (12) do not require an arrest. In one state, Tennessee, whether arrest is needed to remove guns varies. When guns are used in a domestic violence abuse incident, law enforcement officers must remove the guns and that authority to remove guns does not require arrest. Officers in Tennessee have the authority to remove guns even if guns are not used as part of the abuse if the guns pose a safety risk. Officers who remove guns because of safety concerns may only do so if they arrest the alleged abuser. Arrest Required: Connecticut, Nebraska, Oklahoma, Pennsylvania, West Virginia Arrest Not Required: Alaska, Arizona, California, Hawaii, Illinois, Indiana, Maryland, Montana, New Hampshire, New Jersey, Ohio, Utah Varies by Circumstance: Tennessee Conditions of Firearm Removal: Presence or Risk of Danger Five state laws permit law enforcement to remove guns if removal is needed to protect the victim, other household members, or officers on scene. Most states (9) do not require that a gun-related risk exists to justify gun removal. In two states (Hawaii and Indiana) either risk of gun-related harm or gun use in the abuse incident is required for gun removal. Tennessee and West Virginia law enforcement officers must remove guns used in the abuse incident. When guns are not used as an instrument of abuse, law enforcement may remove guns for protection. Danger Required: Alaska, Arizona, California, Nebraska, New Jersey Danger not Required: Connecticut, Illinois, Maryland, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, Utah Varies by Circumstance: Hawaii, Indiana, Tennessee, West Virginia removing guns from domestic violence offenders 8 Court-Ordered Removal Laws (20 States and the District of Columbia) Authority to Order Firearms Removed—“Shall” vs. “May” States For most jurisdictions (10) with laws authorizing judges to order guns removed when issuing protective orders, this authority is at the discretion of judges (“may states”). However, seven states do mandate judges to order firearms removed when issuing protective orders (“shall states”), and four additional state codes specify the circumstances under which judges must order firearms removed and when this provision of orders is discretionary. Shall Remove States: California, Hawaii, Illinois, Massachusetts, North Carolina, Tennessee, Wisconsin May Remove States: Alaska, Arizona, Delaware, District of Columbia, Indiana, Maine, New Jersey, North Dakota, Pennsylvania, Rhode Island Shall and May Remove States: Maryland, New Hampshire, New York, Washington Type of Protective Orders: Temporary and/or Permanent Although the language and details of domestic violence protective order laws vary among the states, all offer some form of immediate, temporary relief and some form of longer term, more permanent protection. States also vary as to whether judges can order guns removed only through permanent orders or through both temporary and permanent orders. Seven state laws limit gun removal to permanent protective orders, and fourteen extend this authority to both temporary and permanent orders. No state law restricted removal authority to temporary orders. Permanent Orders Only: Alaska, Arizona, Illinois, Indiana, Rhode Island, Tennessee, Wisconsin Temporary and Permanent Orders: California, Delaware, District of Columbia, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Washington Condition of Firearm Removal: Gun Used as an Instrument of Abuse Six states with court-ordered removal laws specify gun use or threat as a condition of ordering guns removed. Twelve laws do not restrict the court’s gun removal authority in this way. For three state laws, judges can order guns removed through a temporary order only when guns have been used as an instrument abuse; however, gun use is not necessary to order firearm removal through a permanent protective order. Gun Use Required: Alaska, Illinois, New York, North Carolina, North Dakota, Washington Gun Use Not Required: Arizona, California, Delaware, District of Columbia, Indiana, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Wisconsin Gun Use Required for Temporary Orders, Not Required for Permanent Orders: Hawaii, Maine, Maryland removing guns from domestic violence offenders 9 Responsibility for Removing Guns Most court-ordered gun removal laws (16) rely on the respondent to surrender his firearms in compliance with an order. Two state laws charge law enforcement with this responsibility, and three laws direct law enforcement or the respondent to remove guns based on different specifications in each law. Respondent Responsible: Alaska, Arizona, Delaware, District of Columbia, Indiana, Maine, Maryland, New Hampshire, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Tennessee, Washington, Wisconsin Law Enforcement Responsible: Massachusetts, New Jersey Respondent and/or Law Enforcement Responsible: California, Hawaii, Illinois A Note on Licensing and Registration Policies State laws that require gun owners to be licensed in order to purchase guns and guns to be registered by their owners establish information systems that house valuable data to assist law enforcement when implementing and enforcing the police gun removal and court-ordered gun removal laws. In some states where gun purchase licenses are needed to buy guns, court-ordered removal laws include surrender of gun licenses in addition to guns as a means of preventing people subject to a protective order from purchasing guns. Registration or less formal recording keeping systems of gun purchases can assist law enforcement and the courts with verifying victims’ claims that batterers own guns, and when responding to batterers’ who deny they possess guns. Licensing and registration requirements vary among the states, and there is no national requirement for gun owner licensing or gun registration.f

Stable advocacy’s key – a) strat skew, if I don’t know what you defend you’ll delink everything I say so I can’t have a path to the ballot, killing fairness, also clash since you don’t have to defend your arguments, b) debatibility – it’s unclear what’s implicit in the aff so it’s arbitrary what turns link, which means you default to NC interpretation of the aff advocacy.

Spec in the AC, not CX.

#### 1. there lots you must spec under my interp-having to clarify questions wastes minutes of CX that could be used understanding your case and setting up 1NC strategies.

#### 2. aff advocacy shapes the positions read for the whole round, so being able to hold you to something is key to resolvability.

### 2nr – conditions of removal key

#### States have different conditions and they impact how effective the policy is!

Defilippis and Hughes 15. Evan Defilippis and Devin Hughes, Evan DeFilippis and Devin Hughes are the founders of Armed With Reason and write for The Trace, an online magazine about gun violence., 10-15-2015, "Three common-sense gun policies that would save lives," Washington Post, https://www.washingtonpost.com/opinions/three-common-sense-gun-policies-that-would-save-lives/2015/10/15/3fd8cb80-735f-11e5-9cbb-790369643cf9\_story.html, accessed 1-21-2016. NP

Additionally**, a number of states have passed laws designed to keep guns out of the hands of perpetrators of domestic violence. Some** **states bar firearms from those convicted of misdemeanor domestic violence; others restrict people with domestic-violence restraining orders.**[**A** 2006 **study**](http://www.ncbi.nlm.nih.gov/pubmed/16679499?dopt=Abstract) by Duke University’s Elizabeth Richardson Vigdor and James A. Mercy of the Centers for Disease Control and Prevention **looked at data f**rom 1982 through 2002 **covering 46 states and found that policies that prohibited people with a domestic-violence restraining order from owning a gun are associated with a 7 percent reduction in intimate-partner homicides.** [Another study](http://injuryprevention.bmj.com/content/16/2/90), by Webster and Michigan State’s April M. Zeoli, analyzed a similar set of policies but used more fine-grain city-level data and a more robust set of controls. It concluded that such policies were associated with a 19 percent reduction in intimate-partner homicides.

## Campus Carry

There is TERRIBLE GROUND – barely any colleges allow guns on campus, and campus carry is hugely villified

Evan Defilippis, 6-7-2014, "Campus Gun Control Works- Why Guns and Schools Do Not Mix," Armed With Reason, http://www.armedwithreason.com/campus-gun-control-works-why-guns-and-schools-do-not-mix/, accessed 1-29-2016. NP

These sanguine statistics are a reflection of the near universal prohibition of firearms by academic institutions. **At least thirty-eight states ban firearms on school grounds, and sixteen explicitly prohibit concealed carry on campus.** **Such policies enjoy massive public support: according to one survey carried out by researchers at the Harvard School of Public Health, 94 percent of Americans feel less safe when fellow citizens “bring their guns into restaurants, college campuses, sports stadiums, bars, hospitals, or government buildings” and “overwhelmingly, the public believes that in many venues gun carrying should be prohibited.”**

## Australia

A: If the affirmative debater defends a handgun ban, and claims that we ought [to model our gun policy off of the Australian buyback-program/Australian gun policy], then they must either a) have a solvency advocate, read in the aff, who defends the application of the Australian policy to a handgun ban in the United States, or b) clarify what aspects of the Australian gun policy will be applied to the U.S. law, and how.

B: Your advocacy is \_\_\_\_\_\_, no spec!

C:

Stable advocacy – 1) Australia implemented a ton of gun regulations like long-gun bans, restriction of resale, transfer, ownership, manufacture, use, allowance of law enforcement to possess guns, ammunition restrictions, education programs, buyback, and amnesty - it’s unclear which ones you do and don’t defend

Library of Congress 15 summarizes the 1996 NFA and Buyback Program. 7-30-2015. "Firearms-Control Legislation and Policy: Australia," No Publication, https://www.loc.gov/law/help/firearms-control/australia.php, accessed 2-3-2016. NP.

1996 National Firearms Agreement and Buyback Program

The resolutions agreed to at the APMC meeting on May 10, 1996,[22] provided for the establishment of a uniform approach to firearms regulation that would include (1) a federal ban on the importation of “all semi-automatic self-loading and pump action longarms, and all parts, including magazines, for such firearms, included in Licence Category D, and control of the importation of those firearms included in Licence Category C.” The sale, resale, transfer, ownership, manufacture, and use of such firearms would also be banned by the states and territories, other than in exceptional circumstances (relating to military or law enforcement purposes and occupational categories, depending on the category of the firearm);[23]

standard categories of firearms, including the two largely prohibited categories (C and D), which include certain semiautomatic and self-loading rifles and shotguns, and a restricted category for handguns (category H);[24]

a requirement for a separate permit for the acquisition of every firearm, with a twenty-eight-day waiting period applying to the issuing of such permits,[25] and the establishment of a nationwide firearms registration system;[26]

a uniform requirement for all firearms sales to be conducted only by or through licensed firearms dealers, and certain minimum principles that would underpin rules relating to the recording of firearms transactions by dealers and right of inspection by police;[27]

(2) restrictions on the quantity of ammunition that may be purchased in a given period and a requirement that dealers only sell ammunition for firearms for which the purchaser is licensed;[28]

ensuring that “personal protection” would not be regarded as a “genuine reason” for owning, possessing, or using a firearm under the laws of the states and territories;[29]

standardized classifications to define a “genuine reason” that an applicant must show for owning, possessing, or using a firearm, including reasons relating to sport shooting, recreational shooting/hunting, collecting, and occupational requirements (additional requirements of showing a genuine need for the particular type of firearm and securing related approvals would be added for firearms in categories B, C, D, and H);[30]

in addition to the demonstration of a “genuine reason,” other basic requirements would apply for the issuing of firearms licenses, specifically that the applicant must be aged eighteen years or over, be a “fit and proper person,” be able to prove his or her identity, and undertake adequate safety training[31] (safety training courses would be subject to accreditation and be “comprehensive and standardised across Australia for all licence categories”);[32]

firearms licenses would be required to bear a photograph of the licensee, be endorsed with a category of firearm, include the holder’s address, be issued after a waiting period of not less than twenty-eight days, be issued for a period of no more than five years, and contain a reminder of safe storage responsibilities;[33]

licenses would only be issued subject to undertakings to comply with storage requirements and following an inspection by licensing authorities of the licensee’s storage facilities;[34]

minimum standards for the refusal or cancellation of licenses, including criminal convictions for violent offenses in the past five years, unsafe storage of firearms, failure to notify of a change of address, and “reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm”;[35] and

the establishment of uniform standards for the security and storage of firearms, including a requirement that ammunition be stored in locked containers separate from any firearms. The minimum standards for category C, D, and H firearms would include “storage in a locked, steel safe with a thickness to ensure it is not easily penetrable, bolted to the structure of a building.”[36]

(The above resolutions were implemented through the passage of new or amending legislation and associated regulations by the states and territories.[37] A review of the relevant legislation by the Australian Institute of Criminology (AIC) in 2008 found general compliance with the 1996 National Firearms Agreement (and the 2002 agreements regarding handguns and firearms trafficking discussed below) across the states and territories but also determined that there remained some inconsistencies between the jurisdictions.[38] Some amendments to the relevant laws were subsequently made in response to the AIC review.

(3) In addition to requiring law changes to implement the above resolutions, the agreement provided for the establishment of **a** twelve-month national amnesty and compensation program, to be accompanied by a public education campaign, after which the jurisdictions would apply “severe penalties” for breaches of the firearms control laws.[39] This resolution was implemented through a national firearms buyback program, which saw the federal Parliament enacting the National Firearms Program Implementation Act 1996 (Cth).[40] The Medicare Levy Amendment Act 1996 (Cth) was also enacted in relation to providing funding for the compensation to be paid to gun owners who handed in weapons that fell within the prohibited categories.[41]

2) Australia had a licensing system which made enforcement easier – results of the Australian program and its enforcement mechanism can’t be generalized

Leigh and Neill 10. Andrew Leigh, Research School of Economics, Australian National University and Christine Neill, Department of Economics , Wilfrid Laurier University. Do Gun Buybacks Save Lives? Evidence from Panel Data Author(s): Andrew Leigh and Christine Neill Source: American Law and Economics Review, Vol. 12, No. 2 (Fall 2010), pp. 509-557 Published by: Oxford University Press Stable URL: http://www.jstor.org/stable/42705584

Several factors are important in assessing the extent to which the results from the Australian buyback can be extrapolated to other countries. **Australian borders are more easily controlled than in countries that have land borders.** In addition, Australia's government in general and its policing and customs services in particular are highly organized and effective. The NFA also had an extremely high degree of political support and was quite competently executed. And the buyback was accompanied by a uniform national system for licensing and registration of firearms. These factors should be borne in mind in considering the extent to which the results from the Australian NFA might generalize to other countries.

Stable advocacy’s key – a) strat skew – things like education policies can be leveraged to delink backlash disads, and bans of other forms of guns would delink substitution, the severity and scope of the policy impacts what offense I can read, without knowing what you defend I can’t pick applicable offense, kills fairness since I need a path to the ballot to win, and education since it lets us think about arguments in relation to each other, b) clash – you’ll delink disads by claiming you do or don’t defend parts of the NFA, failing to shift is impossible since the advocacy’s too vague to constitute a real policy which means you negate, since the aff’s not enactable, so I’m the only one left with an advocacy, kills fairness, best arguments are picked through comparison, not preclusion, and education, since questioning assumptions lets us realize flaws in our ideas, c) resolvability –it’s difficult to determine what was and was not implicit in the aff advocacy, making disputes about what offense does and doesnto link to the aff irresolveable – kills fairness and education – we won’t engage each other, and the better debater won’t win if the judge just has to pick between sides.

## Rule Following Paradox/Social Practice

A: If the affirmative debater claims that the rule following paradox is a relevant problem ethical theories must be able to resolve, and claim that social practices solve the rule following paradox, they must clarify in the form of a text in the AC what counts as an ethical community/social practice/practice verified by the community

B:

C:

Stable advocacy - Kripke claims communities can be the basis of legitimizing rules but it’s incoherent what he means

Tacik 14Przemysław. On the Kantian Answer to “Kripkenstein”’s Rule-following Paradox. Problems of Normativity, Rules and Rule-Following Volume 111 of the series Law and Philosophy Library pp 67-82. November 8, 2014. NP 2/27/16.

Thirdly and most importantly, Kantian idea of the division of subject sheds light on the pivotal moment of Wittgenstein’s thinking. The paragraph 202 of Philosophi- cal Investigations reads:

And hence also ‘obeying a rule’ is a practice. And to think one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule ‘privately’: otherwise thinking one was obeying a rule would be the same thing as obeying it (Wittgenstein 1974, §. 202).

Kripke draws upon this quote in his formulation of the argument against a private language (1982, p. 110). I am convinced, however, that Kantian critique allows of reworking this argument. According to Kripke no individual, considered in isola- tion, could be described as obeying a rule. Rule-application requires support of community—providing the assessment concerning correctness of application—in order to function. Thus Kripke transposes the difference between rules and pri- vate language onto the gap between community and individuals. Hence some tricky awkwardness of his reasoning: Kripke must explain why Robinson Crusoe could obey rules in seclusion. Being deprived of community assessment, Crusoe would never have true rules but some private pseudo-rules. In order to avoid this conse- quence, Kripke claims that a private language does not involve physical isolation but considering the act of rule application regardless of any community assessment. Crusoe might live on a desert island, but still—when we think about him—he is put in the context of community, which might verify his rule-following.9

The shift in the meaning of community that Kripke proposed makes this concept more dubious than ever. What is its status? Is it a real group of people? Does the rule have to be effectively followed in this community, or is it only abstract veri- fication that matters? Maybe it is an imaginary group of men and women? Or is it just a mode in which rule-following is assessed, a possibility of putting someone’s applications of a rule in the context of potential assessment, regardless of actual practice? Or, finally—extrapolating Colin McGinn’s hints (1984, pp. 67, 189)10—is it some kind of community between applications of a rule, not between people?

Implications – you will shift in the next speech by piecing together parts of your framework that I undercover to come to a coherent view about rule following. Generics don’t solve – your framework can mean two completely opposite things, so nothing applies. Kills fairness and education – a. strat skew – arguments already aren’t implicated in the AC but I can’t have a semblance of an idea of your position until the 1ar which is too late since I don’t get new arguments, kills fairness since I need a path to the ballot to win, and education since we don’t get nuanced understanding of positions fi you can shift out of your arguments, which kills b. clash – key to fairness since questioning assumptions makes us realize their flaws, and fairness since best arguments are picked through comparison. C. resolvability – it’s unclear what 1ar extrapolation of the framework the judge will perceive as new, and the AC is purposefully messy so it becomes an issue of judge’s opinions which controls the internal link to all standards since we can’t engage in the round if we don’t know how it will be adjudicated

1. ["Cornell School of Law Summary of the ''Heller'' Decision"](http://www.law.cornell.edu/supct/html/07-290.ZS.html). Law.cornell.edu. Retrieved September 1,2012. [↑](#footnote-ref-1)
2. ["Cornell School of Law Summary of the ''Heller'' Decision"](http://www.law.cornell.edu/supct/html/07-290.ZS.html). Law.cornell.edu. Retrieved September 1,2012. [↑](#footnote-ref-2)